REMARKS/ARGUMENTS

This Amendment responds to the Office Action dated June 10, 2010 in which the

Examiner rejected claims 11-12, 14-17, 19-24, 35, 49-53, 58, 60-65 and 67-70 under 35 U.S.C. §

103.

As indicated above, claims 11, 49-51, 67 and 69-70 have been amended to make explicit

what is implicit in the claims. The amendments are unrelated to a statutory requirement for

patentability.

Claims 11-12, 14-17, 19-20, 23-24, 35, 49-53, 55-58, 60-61, 64-65 and 67-70 were

rejected under 35 U.S.C. § 103 as being unpatentable over *Hashimoto, et al.* (U.S. Patent No.

6,111,604) in view of *Kato* (U.S. Patent No. 6,148,031), *Riek, et al.* (U.S. Patent No. 5,987,179)

and ISO/IEC 11172-1.

Hashimoto, et al. appears to disclose an image data compression/expansion circuit 12

used to encode and decode images using known image compression methods which transform

images into an out of compressed formats such as GIFF, JPEG, MPEG or any other known

image compression method (column 6, lines 62-66). Figure 11 illustrates the process for

capturing and storing video and audio information. After starting, the user presses a shutter

release button 124 and a single picture along with associated audio is captured and stored in step

252. Step 254 then compresses the image and audio. Separate image and audio files are then

written into a memory card 16 in step 256. Subsequently, a relation file which describes the

association of the image and audio files is written or updated in step 258 (column 9, lines 46-54).

Thus, *Hashimoto, et al.* merely discloses when a user presses a shutter button, a single

picture along with associated audio is captured and stored. Nothing in *Hashimoto, et al.* shows,

teaches or suggests simultaneously generating first and second encoded picture/video data and

encoded audio data when still picture data with audio data is captured as claimed in claims 11, 35, 49-52 and 67-70. Rather, *Hashimoto, et al.* only discloses capturing and storing a single picture along with associated audio.

Kato appears to disclose when an operation keyboard 32 issues a continuous image taking command, an image compression/decompression circuit 18 compresses the output of the camera signal processor circuit 16 and the compressed information is stored in a first memory 20. When a still image taking request is input during the continuous image taking, the system control circuit 26 tags with a still image taking flag the corresponding frame of the compressed image information and stores them in a first memory. Upon the end of the continuous image taking, the system control circuit 26 reads the series of still images from the first memory 20, re-compresses them by the image compression/decompression circuit 18 while sequentially taking inter-frame correlation (Col. 3, lines 41-58).

Thus, *Kato* only discloses taking a continuous image or a still image. Nothing in *Kato* shows, teaches or suggests when still picture data with audio data is captured, simultaneously generating first and second encoded picture/video data and encoded audio data as claimed in claims 11, 35, 49-52 and 67-70. Rather, *Kato* only discloses continuous image taking or still image taking.

Riek, et al. appears to disclose a method and apparatus for encoding a high-fidelity still image in a MPEG bit stream (column 3, lines 46-47). Motion/still camera 10 includes a still button 22 for selecting a video frame for encoding as a still image (column 4, lines 14-26). MPEG encoder 30 is controlled by logic and control circuit 32 which receives inputs from quality selector 18, the video record button 20 and the still select button 22 (column 4, lines 38-41).

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Thus, *Riek, et al.* only discloses encoding a still image in a MPEG bit stream. Nothing in *Riek, et al.* shows, teaches or suggests when still picture data with audio data is captured, simultaneously generating first and second encoded picture/video data and encoded audio data as claimed in claims 11, 35, 49-52 and 67-70. Rather, *Riek, et al.* only discloses encoding still image in a MPEG bit stream.

ISO/IEC 11172-1 at section 1-A6.3 merely discloses multiplexing video packs and audio by interleaving one audio pack in every six to seven video packs.

Thus, ISO/IEC merely discloses how to multiplex moving images containing both video and audio. Nothing in ISO/IEC shows, teaches or suggests simultaneously generating first and second encoded picture data and encoded audio data when still picture data with audio data is captured as claimed in claims 11, 35, 49-52 and 67-70. Rather, ISO/IEC is only directed to multiplexing moving pictures with audio.

The Examiner takes Official Notice that it is known in the art for audio and video packs to be correlated in a 1:1 ratio and cites *Tanaka* (EP 843470). *Tanaka* only discloses a lock mode for a <u>video</u> signal. Nothing in Tanaka shows, teaches or suggests simultaneously generating first and second encoded picture data and encoded audio data when still picture data with audio data is captured as claimed in claims 11, 35, 49-52 and 67-70.

A combination of the references would merely suggest capturing a single picture along with associated audio as taught by *Hashimoto, et al.*, capturing continuous image taking or still image taking as taught by *Kato*, encoding a still image in a MPEG bit stream as taught by *Riek, et al.* and to multiplex moving images containing both video and audio as taught by ISO/IEC. Thus nothing in the combination of the references shows, teaches or suggests simultaneously generating first and second encoded picture data and encoded audio data when still picture data

with audio data is captured as claimed in claims 11, 35, 49-52 and 67-70. Therefore, Applicants

respectfully request the Examiner withdraws the rejection to claims 11, 35, 49-52 and 67-70

under 35 U.S.C. § 103.

Claims 12, 14-17, 19-20, 23-24, 53, 55-58, 60, 61, 64-65 recite additional features.

Applicants respectfully submit that the claims would not have been obvious within the meaning

of 35 U.S.C. § 103 over *Hashimoto, et al.*, *Kato*, *Riek, et al.*, ISO/IEC and Official Notice at least

for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner

withdraws the rejection to claims 12, 14-17, 19, 20, 23-24, 53, 55-58, 60-61, and 64-65 under 35

U.S.C. § 103.

Claims 21-22 and 62-63 were rejected under 35 U.S.C. § 103 as being unpatentable over

Hashimoto, et al., *Kato*, *Riek, et al.* ISO/IEC and further in view of *Ejima, et al.* (U.S. Patent No.

6,327,423).

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. §

103. The claims have been reviewed in light of the Office Action, and for reasons which will be

set forth below, Applicants respectfully request the Examiner withdraws the rejection to the

claims and allows the claims to issue.

As discussed above, since nothing in the combination of the primary references shows,

teaches or suggests the primary features as claimed in claims 11 and 52, Applicants respectfully

submit that the combination of the primary references with the secondary reference to *Ejima, et*

al. will not overcome the deficiencies of the primary references. Therefore, Applicants

respectfully request the Examiner withdraws the rejection to claims 21-22 and 62-63 under 35

U.S.C. § 103.

Thus, it now appears that the application is in condition for reconsideration and

allowance. Reconsideration and allowance at an early date are respectfully requested. Should

the Examiner find that the application is not now in condition for allowance, Applicants

respectfully request the Examiner enters this Amendment for purposes of appeal.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.
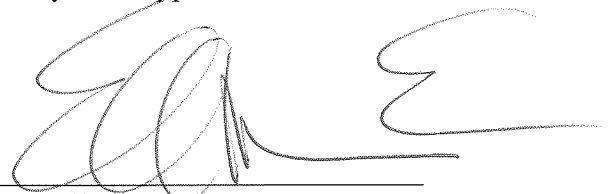
In the event that any additional fees are due with this paper, please charge to our Deposit Account No. 50-0320.

Respectfully submitted,

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